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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,675	12/28/2000	Cao Thanh Phan	Q62440	8686

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Washington, DC 20037-3213

EXAMINER

HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/749,675

Applicant(s)

PHAN ET AL.

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2, is attached to the instant Office action.

### ***Specification***

2. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

### ***Claim Objections***

3. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).
4. Claim 1-8 are objected to because of the following informalities: The slash after claim numbers are not recommended. For example, "1/" should be replaced with "1.". Appropriate correction is required.
5. Claim 1 is objected to because of the following informalities: The bullets to indicate each steps of the method are not recommended. Tabs instead of the bullets would be more appropriate. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1, 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 recites the limitation "the private exchange type" in line 2–3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 1 recites the limitation "the additional step" in line 16 of the claim. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 2 recites the limitation "the additional step" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 5 recites the limitation "the additional step" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claim 1–4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mansour et al. (US Patent 5,058,105).

In regarding to claim 1, Mansour teaches a method of maintaining communications options within a private communications network (Column 9 Line 46 – Column 10 Line 1) involving nodes of the private exchange type, all nodes being capable of communicating with all other nodes in normal operation via two-way communications trunks interconnecting some of the nodes in pairs, the method comprising the steps consisting in: detecting faulty operation that leads to the network becoming split (Column 3 Line 51–53); and implementing emergency means which provide one or more dynamic accesses for ensuring that all of the nodes of the network can again communicate with all of the other nodes, thereby maintaining a set of services proposed by the network in normal operation (Column 3 Line 11–14); wherein, once the emergency means have been implemented, the method includes the additional step of transmitting calls through the network using routing that is static and predetermined (Column 4 Line 64–68).

In regarding to claim 2, Mansour teaches defining a set of network nodes from which the dynamic accesses are available prior to any faulty operation giving rise to the network being split (Figure 1).

In regarding to claim 3, Mansour teaches the dynamic accesses implemented only to satisfy a call request between two nodes that can no longer be connected together once the network has split (Column 3 Line 65 – Column 4 Line 8).

In regarding to claim 4, Mansour teaches the static routing defining a single access path between a sending node and a destination node, the single access path being stored in the sending node and in the destination node (Column 8 Line 9–23).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansour et al. in view of Nakata (US Patent 6,452,934).

In regarding to claim 5, Mansour teaches a method of maintaining communications options within a private communications network (Column 9 Line 46 – Column 10 Line 1) involving nodes of the private exchange type, all nodes being capable of communicating with all other nodes in normal operation via two-way communications trunks interconnecting some of the nodes in pairs, the

method comprising the steps consisting in: detecting faulty operation that leads to the network becoming split (Column 3 Line 51–53); and implementing emergency means which provide one or more dynamic accesses for ensuring that all of the nodes of the network can again communicate with all of the other nodes, thereby maintaining a set of services proposed by the network in normal operation (Column 3 Line 11–14); wherein, once the emergency means have been implemented, the method includes the additional step of transmitting calls through the network using routing that is static and predetermined (Column 4 Line 64–68). Mansour, however, does not teach releasing the dynamic accesses as soon as the faulty operation that cause the network to split has ceased and the last call supported by the dynamic accesses has finished. Nakata teaches releasing the dynamic accesses as soon as the faulty operation that cause the network to split has ceased and the last call supported by the dynamic accesses has finished (Column 6 Line 31–36). It would have been obvious to one skilled in the art to modify Mansour to release dynamic accesses when the needs are gone as taught by Nakata in order to save network resources.

16. Claim 6–8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansour et al. in view of Ko et al. (US Patent 5,479,407).

In regarding to claim 6, Mansour teaches a method of maintaining communications options within a private communications network (Column 9 Line 46 – Column 10 Line 1) involving nodes of the private exchange type, all nodes being capable of communicating with all other nodes in normal operation via two-way communications trunks interconnecting some of the nodes in pairs, the method comprising the steps consisting in: detecting faulty operation that leads to the network becoming split (Column 3 Line 51–53); and implementing emergency means which provide one or more dynamic accesses for ensuring that all of the nodes of the network can again communicate with all of the other nodes, thereby maintaining a set of services proposed by the network in normal operation (Column 3 Line 11–14); wherein, once the emergency means have been implemented, the method includes the additional step of transmitting calls through the network using routing that is static and predetermined (Column 4 Line 64–68). Mansour, however, does not teach the emergency means comprising modems disposed at the nodes defined prior to any faulty operation and from which dynamic accesses are available. Ko teaches the emergency means comprising modems disposed at the nodes defined prior to any faulty operation and from which dynamic accesses are available (Column 9 Line 1–6). It would have been



obvious to one skilled in the art to modify Mansour to use modems as taught by Ko in order to reduce costs.

In regarding to claim 7, Ko teaches the emergency means making use of Ethernet links (Column 2 Line 50–61).

In regarding to claim 8, Ko teaches the emergency means making use of a B channel on an access of a communications circuit (Column 1 Line 26–41).

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the communication in general.

U.S. Patent 5,646,936 to Shah et al.

U.S. Patent 6,339,585 to Hulyalkar et al.

U.S. Patent 6,411,600 to Kwak et al.

U.S. Patent 6,430,150 to Azuma et al.

U.S. Patent 6,597,658 to Simmons

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday-Friday 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. H.  
Clemence Han  
Examiner  
Art Unit 2665



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